



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: )  
HARRY J. LAST )  
SERIAL NO.: 09/829,802 )  
FILED: APRIL 10, 2001 ) GROUP ART UNIT NO. 3751  
TITLE: CABLE OPERATED POOL )  
COVER SYSTEM USING )  
BUOYANT-SLAT POOL COVERS )  
EXAMINER: CHARLES E. PHILLIPS )

REQUEST TO REVIVE AN ABANDONED PATENT APPLICATION

Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

Recently, and on February 3, 2003, the applicant was contacted by Examiner Linda Scholl of the U.S. Patent and Trademark Office, regarding the captioned patent application. Ms. Scholl advised that the application had become abandoned by virtue of failure to respond to an Office Paper. Although the applicant did request a copy of that Office Paper, the applicant was advised that same could not be submitted until a request to revive this application had been filed. However, Ms. Scholl did courteously indicate that the applicant had not had only responded to a part of the last Office Action, which constituted a restriction requirement. Apparently, the applicant overlooked the addressing of the species

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restriction. The applicant is herewith submitting a supplemental Amendment B, further responding to that restriction requirement, in an effort to file a responsive paper.

The applicant was advised that a paper was mailed on May 2, 2003, requesting that additional supplemental response with a thirty (30) day response period. Unfortunately, the applicant has not received, and has never received, that document. Otherwise, the applicant would have immediately responded to same. It is indeed unfortunate that this application has become abandoned, inasmuch as the applicant would have immediately responded, if such paper had been received.

In particular, that Office Action dated May 2, 2002, was not received in this office. This office maintains a dual docket system in which to identify all due dates. Enclosed are copies of docket sheets for the month of June 2002, showing that there was no entry of this particular Office Action.

The undersigned attorney of record has carefully examined the file of this particular application, and indeed, has examined the files of the other applications for Aquamatic Cover Systems, the assignee of the instant application, in order to insure that the Office Action was not placed in the wrong file. The investigation reveals that the Office Action was not received.

The applicant can state in fact that this application covers subject matter which may be possibly involved in a U.S. District

Court civil action. This application constitutes important subject matter to the applicant, and would never have been abandoned intentionally. Indeed, it is the applicant's intent to continue with the prosecution of this application. To this end, the applicant has enclosed that Amendment B in response to the restriction requirement.

It is noteworthy that this law office has had some continued difficulty with the mail service from the local branch of the United States Post Office. Unfortunately, this is not the first time that an Office Action, or other paper from the U.S. Patent and Trademark Office, had not been received. Indeed, and because of the continued and frequent failure to receive correspondence, both from the U.S. Patent and Trademark Office, and elsewhere, the applicant has submitted a rather strong letter to our local Post Office branch. A copy of that letter is herewith enclosed.

An early revival of this application is therefore respectfully solicited.

Dated: March 7, 2003

Respectfully submitted,



ROBERT J. SCHAAP  
Registration No. 20,577  
Attorney for Applicant  
(818) 346-6555